

DECISION AND FINDING OF NO SIGNIFICANT IMPACT

REDUCING MAMMAL DAMAGE IN THE STATE OF INDIANA

I. INTRODUCTION

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services program (WS) receives and responds to a variety of requests for assistance from individuals, organizations, and agencies experiencing damage and other problems related to wildlife. In July 2006, WS released an Environmental Assessment (EA) "*REDUCING MAMMAL DAMAGE IN THE STATE OF INDIANA*"¹. The EA documented the need for mammal damage management (MDM) in Indiana and assessed potential impacts of various alternatives to respond to mammal damage and associated risks to human health and safety. Ordinarily individual WS damage management actions are categorically excluded and do not require an environmental assessment (EA) (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, in order to facilitate planning, interagency coordination, and the streamlining of program management, and to clearly communicate with the public the analysis of cumulative impacts from WS's proposed program, the EA on alternatives for managing mammal damage in Indiana was prepared. The EA was made available for public comment in July 2006. This document contains WS selection of a management alternative and conclusions regarding the magnitude of the impacts associated with that alternative.

The purpose of the proposed action is to protect agricultural resources, natural resources, property, livestock, and public health and safety from damage and risks associated with mammals in Indiana. Damage problems can occur throughout the State. Mammal damage management (MDM) activities proposed in the EA could be conducted on private, federal, state, tribal, county, and municipal lands in Indiana upon request. Several mammal species have potential to be the subject of WS MDM activities in Indiana. Mammal species addressed in this EA include but are not limited to: white-tailed deer (*Odocoileus virginianus*), coyotes (*Canis latrans*), raccoons (*Procyon lotor*), opossums (*Didelphis virginianus*), red fox (*Vulpes fulva*), gray fox (*Urocyon cinereoargenteus*), feral cats (*Felix* sp.), striped skunk (*Mephitis mephitis*), beaver (*Castor canadensis*), muskrat (*Ondatra zibethica*), woodchuck (*Marmota monax*), feral swine (*Sus scrofa*), domestic/feral dog (*Canis familiaris*), brown (Norway) rat (*Rattus norvegicus*), black (roof) rat (*Rattus rattus*), house mouse (*Mus musculus*), deer mouse (*Peromyscus maniculatus*), white-footed mouse (*Peromyscus leucopus*), and meadow vole (*Microtus pennsylvanicus*). The EA was prepared in consultation with the Indiana Department of Natural Resources (IDNR) to aid the analysis of impacts on state wildlife populations and to ensure that the proposed actions are in compliance with relevant laws, regulations, policies, orders and procedures. All WS MDM activities will be conducted consistent with the Endangered Species Act of 1973 as amended including consultation with the United States Department of Interior, Fish and Wildlife Service (USFWS), and all other applicable Federal, State and local laws, regulations and policies.

¹ The EA and supporting documentation are available for review at the USDA-APHIS-WS State Office, Purdue University-SMTH Hall, 901 W. State St., West Lafayette, IN 47907-2089.

II. BACKGROUND

The determination of a need for WS assistance with MDM in Indiana is based on mammal damage to municipal sites, industrial sites, agricultural sites, and private land in Indiana, and risks to public health and safety. Some of the types of damage that resource owners/managers seek to alleviate include: predator damage (coyotes, foxes, and feral dogs) to livestock, companion animals, and predation on Threatened and Endangered (T&E) species; rodent and white-tailed deer damage to crops and trees, landscaping, vegetable gardens, and strikes with aircraft; property damage from raccoons, skunks, woodchucks, opossums, moles, voles, and other rodents; emerging issues with feral swine damage to crops, pastures, water sources, wildlife habitat, and predation on T&E species. WS may also receive requests for assistance with surveillance for and management of wildlife diseases transmissible to humans or livestock. Details on the conflicts associated with wild and feral mammals in Indiana are provided in the EA.

State agencies in Indiana provide advice and issue permits to control damage but direct control services have been privatized. Private companies do provide some management services, but they may be too expensive for some residents, not geographically available, and may not have access to the same resources as WS. In addition, some resource owners/managers feel more comfortable with Wildlife Services as the Federal authority in MDM.

Indiana State Regulation IC 14-22-28 - *Permit to Take, Kill, or Capture Wild Animal Damaging Property* authorizes the director of the IDNR to issue permits to take, kill, or capture wild animals to a person that owns or has an interest in property that is damaged or threatened with damage by wild animals. The IDNR may also use mammal harvest regulations as a population management tool to address wildlife damage problems. Resource owners/managers can make their land available to hunters and trappers as a means of addressing damage problems. The EA only evaluated alternatives for WS involvement in MDM and cannot change Indiana State Statutes and IDNR policy permitting private landowners access to lethal and non-lethal alternatives for managing mammal damage. Therefore, a major factor in determining how to analyze potential environmental impacts of WS' involvement in MDM is that such management will likely be conducted by state, local government, or private entities that are not subject to compliance with NEPA, even if WS is not involved. This means that the Federal WS program has limited ability to affect the environmental outcome (*status quo*) of MDM in the state, except that the WS program is likely to have lower risks to nontarget species and less impact on wildlife populations than some actions that may be taken by resource owners/managers. In the absence of a WS program, some individuals experiencing damage may take illegal or unsafe action against the problem species either unintentionally due to lack of training, or deliberately out of frustration of continued damage. In these instances, adverse impacts on the environment may be greater than with a professional WDM program. Despite the limitation to WS' influence on the environmental *status quo* and associated limit to federal decision-making, this EA process is valuable for informing the public and decision-makers of the substantive environmental issues and alternatives for management of mammal damage.

III. ISSUES ANALYZED IN THE EA

The following issues were identified as important to the scope of the analysis (40 CFR 1508.25) and each of the proposed alternatives was evaluated relative to its impacts on these issues.

- Effects on target mammal species
- Effects on other wildlife species, including Threatened and Endangered species
- Effects on human health and safety

- Impacts to stakeholders, including aesthetics
- Humaneness and animal welfare concerns of methods used

IV. ALTERNATIVES ANALYZED IN DETAIL

The following Alternatives were developed to analyze and respond to issues. Three additional alternatives were considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is presented in the EA.

Alternative 1: Technical Assistance Only.

This alternative would not allow for WS operational MDM in Indiana. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, corporations, or others could conduct MDM using any legal lethal or non-lethal method available to them.

Alternative 2: Integrated Mammal Damage Management Program

The No Action alternative is a procedural NEPA requirement (40 CFR 1502.14(d)) and is a viable and reasonable alternative that could be selected and serves as a baseline for comparison with the other alternatives. The No Action alternative, as defined here, is consistent with guidance from the CEQ (CEQ 1981). In this guidance, the No Action alternative for situations where there is an ongoing management program may be interpreted as "no change" from current management direction or level of management intensity.

WS proposed to continue the current damage management program that responds to mammal damage in the State of Indiana. WS involvement in MDM in Indiana is closely coordinated with the Indiana Department of Natural Resources, and WS take of mammals is authorized through permits and/or other authorities granted by IDNR. An Integrated Wildlife Damage Management (IWDM) approach would be implemented to reduce mammal damage to property, agricultural resources, and natural resources, and to reduce mammal impacts on human/public health and safety. Damage management would be conducted on public and private property in Indiana when the resource owner (property owner) or manager requests assistance. The IWDM strategy would encompass the use and recommendation of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, WS could provide technical assistance and direct operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate non-lethal techniques like physical exclusion, habitat modification or harassment would be recommended and utilized to reduce damage. In other situations, mammals would be removed as humanely as possible using shooting, trapping, and registered pesticides and other products. In determining the damage management strategy, preference would be given to practical and effective non-lethal methods. However, non-lethal methods may not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or could include instances where application of lethal methods alone would be the most appropriate strategy.

Alternative 3: Non-lethal Mammal Damage Management Only by WS

This alternative would require WS to only use and recommend non-lethal methods to resolve mammal damage problems. Information on lethal MDM methods would still be available to producers and property owners through other sources such as IDNR, USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information regarding lethal management approaches would be referred to these entities. Individuals might choose to implement WS non-lethal recommendations, implement lethal methods or other methods not recommended by WS, contract for WS direct assistance with non-lethal MDM, use contractual services of private businesses, or take no action. Persons receiving WS's non-lethal technical and direct control assistance could still resort to lethal methods that were available to them.

3.1.4 Alternative 4: No Federal WS Mammal Damage Management

This alternative would eliminate WS involvement in MDM in Indiana. WS would not provide direct operational or technical assistance and requesters of WS's assistance would have to conduct their own MDM without WS input. Information on MDM methods would still be available to producers and property owners through other sources such as IDNR, USDA Agricultural Extension Service offices, universities, or pest control organizations. Requests for information would be referred to these entities. Individuals might choose to conduct MDM themselves, use contractual services of private businesses, or take no action.

V. MONITORING

The Indiana WS program will annually monitor the impacts of its actions relative to each of the issues analyzed in detail in the EA. This evaluation will include reporting the WS take of all target and nontarget species to help ensure there are no adverse impacts on the viability of State native wildlife populations or non-target species including State and Federally listed threatened/endangered species. IDNR expertise will be used to assist in determining impacts on state wildlife populations.

VI. PUBLIC INVOLVEMENT

The EA was available for public review and comment during a 30-day period (07/11/06-08/15/06), which complies with public involvement guidelines/policies contained in NEPA, Council On Environmental Quality (CEQ) regulations, and APHIS WS Implementing Regulations, as well as all pertinent agency laws, regulations, and policies. A Legal Notice of Availability was placed in the statewide edition of the Indianapolis Star, a daily newspaper with geographic coverage of all of the proposed project area, for three days (07/11/06-07/13/06). WS also sent notices of availability and/or copies of the EA to individuals and organizations that WS knew might have an interest in the EA. WS received no requests for copies of the Pre-Decisional EA. WS did not receive any comments on the EA during the comment period nor were any comments received during the interval between the end of the EA and WS issuance of a final Decision on the alternative to be selected and its environmental impacts.

VII. AGENCY AUTHORITIES

Wildlife Services Legislative Authority

WS is the Federal program authorized by law to help reduce damage caused by wildlife. The primary statutory authorities for the APHIS-WS program are the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c). The mission of the USDA/APHIS/WS program is to provide federal leadership in managing conflicts with wildlife. Wildlife Services' mission, developed through its strategic planning process (USDA 1999), is: 1) *"to provide leadership in wildlife damage management in the protection of America's agricultural, industrial and natural resources, and 2) to safeguard public health and safety."* WS recognizes that wildlife is an important public resource greatly valued by the American people. By its very nature, however, wildlife is a highly dynamic and mobile resource that can cause damage to agriculture and property, pose risks to human health and safety, and affect industrial and natural resources. WS conducts programs of research, technical assistance and applied management to resolve problems that occur when human activity and wildlife conflict.

Additionally, Memoranda of Understanding among WS and other governmental agencies also define WS responsibilities in wildlife damage management. For example, a Memorandum of Understanding between the FAA and WS recognizes WS role and expertise in providing wildlife hazard management assistance to the aviation community. It states, that the "FAA or the certificated airport may request technical and operational assistance from WS to reduce wildlife hazards."

United States Department of the Interior, Fish and Wildlife Service (USFWS)

The primary responsibility of the United States Department of the Interior, Fish and Wildlife Service (USFWS) is fish, wildlife, and plant conservation. While some of the USFWS's responsibilities are shared with other Federal, State, Tribal, and local agencies, the USFWS has special authorities in managing the National Wildlife Refuge System; conserving migratory birds, endangered species, certain marine mammals, and nationally significant fisheries; and enforcing Federal wildlife laws. The USFWS is charged with implementation and enforcement of the Endangered Species Act of 1973, as amended and with developing recovery plans for listed species.

Indiana Department of Natural Resources Legislative Authority

The Indiana Department of Natural Resources (IDNR), under the direction of the Conservation Commission, is specifically charged by the General Assembly with the management of the state's wildlife resources. The primary statutory authorities include the protection, reproduction, care, management, survival, and regulation of wild animal populations regardless of whether the wild animals are present on public or private property in Indiana (IC 14-22-2-3).

Indiana State Board of Animal Health

The Indiana State Board of Animal Health (BOAH) is authorized under I.C. 15-2.1 to promote and encourage the prevention, suppression, control and eradication of infectious, contagious and communicable diseases affecting the health of animals within Indiana and the trade in animals and animal products in and from Indiana.

VIII. DECISION and RATIONALE

I have carefully reviewed the alternatives and associated impact analyses in the EA. I believe the issues identified in the EA are best addressed by selecting Alternative 2, *Integrated Mammal Damage Management Program (Proposed Action/No Action)*, and applying the associated standard operating procedures and monitoring measures discussed in Chapter 3 of the EA. Alternative 2 provides the best range of damage management methods considered practical and effective, best addresses the issues identified in the EA and provides safeguards for public safety, and accomplishes WS' Congressionally directed role in protecting the Nation's agricultural and other resources including meeting its obligations to the IDNR, and cooperating counties and residents of Indiana. WS policies and social considerations, including humane issues, will be considered while conducting MDM. While Alternative 2 does not require non-lethal methods to be used, WS will continue to provide information and encourage the use of practical and effective non-lethal methods (WS Directive 2.101). I have also adopted the EA as final because WS did not receive any comments that changed the analysis.

FINDING OF NO SIGNIFICANT IMPACT

The EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment because of this proposed action, and that these actions do not constitute a major Federal action. I agree with this conclusion and therefore determine that an EIS will not be necessary or prepared. This determination is based on the following factors:

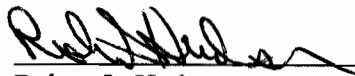
1. Mammal damage management, as conducted in Indiana is not regional or national in scope.
2. The proposed action will not have an impact on unique characteristics of the areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
3. The proposed action will not significantly affect public health and safety. No accidents associated with WS mammal damage management are known to have occurred in Indiana.
4. The effects on the quality of the human environment are not highly controversial. Although there is opposition to WS damage management, this action is not controversial in relation to size, nature or effects.
5. Standard Operating Procedures adopted as part of the proposed action lessen risks to the public and prevent adverse effects on the human environment and reduce uncertainty and risks.
6. The proposed action does not establish a precedent for future actions with significant effects. This action would not set precedence for additional WS damage management that may be implemented or planned in Indiana.
7. The number of animals taken (both target and non-target) by WS annually is small in comparison to the total population. Adverse effects on wildlife or wildlife habitats would be minimal.
8. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.

9. Mammal damage management would not affect cultural or historic resources. The proposed action does not affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause a loss or destruction of significant scientific, cultural, or historical resources.

10. An evaluation of the proposed action and its effects on State and Federally listed T/E species determined that no significant adverse effects would be created for these species. The proposed action will fully comply with the Endangered Species Act of 1973, as amended. Consultations with the USFWS and the IDNR have taken place and their input was used to develop Standard Operating Procedures for the proposed action.

11. This action would be in compliance with federal, State and local laws or requirements for damage management and environmental protection.

For additional information regarding this decision, please contact Judy Loven, State Director, APHIS, WS, 901 W. State St., West Lafayette, IN 47907-2089, West Lafayette, IN 47907, or by phone @ 765-494-6229.



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11/9/06
Date

Literature Cited

CEQ. 1981. Forty most asked questions concerning CEQ's NEPA regulations. 40 CFR 1500-1508 and Fed. Reg. 55:18026-18038.

Slate, D. A., R. Owens, G. Connolly, and G. Simmons. 1992. Decision making for wildlife damage management. Transactions of the North American Wildlife and Natural Resources Conference 57:51-62.

WS Directive 2.101. Selecting Wildlife Damage Management Methods.